

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,  
*Plaintiff/Appellee,*

v.

DYLANN STORM ROOF,  
*Defendant/Appellant.*

Case No. 17-3

**MOTION FOR JUDICIAL NOTICE**

Defendant Dylann Storm Roof, by and through undersigned counsel, hereby moves this Court pursuant to Federal Rules of Appellate Procedure 27 and 28(b) and Federal Rule of Evidence 201 for judicial notice of the following documents and their contents from *State v. Dylann Storm Roof*, which are contained in a separately-bound, concurrently-filed volume:

1. Notice of Intention to Seek the Death Penalty (filed Sep. 3, 2015)
2. Notice of Evidence in Aggravation (filed Sep. 3, 2015)
3. Reporter's Transcript of Motions Hearing (June 20, 2016)
4. Memorandum in Support of Revised Scheduling Order (filed June 28, 2016)
5. State's Second Memorandum in Support of Revised Scheduling (filed July 12, 2016)
6. Reporter's Transcript of Motions Hearing (July 13, 2016)

Pursuant to Local Rule 27(a), undersigned counsel consulted with Bonnie I. Robin-Vergeer, counsel for the government, who advises the government takes no position on the motion at this time and reserves the right to oppose it pending review of the opening brief.

### **ARGUMENT**

Federal Rule of Evidence 201(b)(2) permits courts to take judicial notice of materials “that [are] not subject to reasonable dispute because” they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” This Court regularly takes notice of court decisions and pleadings. *See, e.g., United States v. White*, 620 F.3d 401, 415 n.14 (4th Cir. 2010); *Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239-40 (4th Cir. 1989). If the materials are relevant, *Colonial Penn. Ins. Co.*, 887 F.2d at 1239, then the court “must take judicial notice if a party requests it and the court is supplied with the necessary information,” Fed. R. Evid. 201(c)(2).

Mr. Roof asks the Court to take judicial notice of four pleadings publicly filed by the State of South Carolina in its criminal case against him, and two transcripts of proceedings in that case, all necessary to this appeal. The opening brief quotes from and cites to portions of these

court records for a limited purpose: to show the interaction between the state and federal proceedings, which is relevant to the claims set forth in Sections XIX, XXI, and XXII.

All of the documents for which Mr. Roof seeks judicial notice are records from the Ninth Judicial Circuit for the County of Charleston, State of South Carolina, which are available from that court for verification. Four were filed by the State of South Carolina, and two are signed, certified court reporter transcripts. As such, their contents are not subject to reasonable dispute and their accuracy cannot reasonably be questioned.

Mr. Roof has provided the Court with copies of these documents in a separately-bound, concurrently-filed volume of materials subject to judicial notice. He respectfully requests that this Court take judicial notice of the documents contained in that volume and their contents. See Fed. R. Evid. 201(c)(2).

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the Central District of California

JAMES WYDA  
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By /s/ Alexandra W. Yates

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CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion for Judicial Notice was filed electronically via CM/ECF, which automatically sends notice of such filing to the following registered CM/ECF users:

Thomas Evans Chandler  
Bonnie Ilene Robin-Vergeer  
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on this 28th day of January, 2020.

*/s/ Sapna Mirchandani*

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Sapna Mirchandani